

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 04-4914 MJD/JJG

APPEARANCES

George H. Smith, Esq. on behalf of Plaintiff

Lonnie F. Bryan, Esq., Assistant United States Attorney, on behalf of Defendant Jo Anne B. Barnhart

Based upon the Report and Recommendation by United States Magistrate Judge Jeanne J.

Graham dated October 24, 2005; all the files, records and proceedings herein; and no objections having been filed to that Report and Recommendation;

IT IS HEREBY ORDERED:

(1) Plaintiff Gary Lee Baker's Motion for Summary Judgment (Doc. No. 13) is **DENIED**; and

(2) Defendant Commissioner's Motion for Summary Judgment (Doc. No. 16) is **GRANTED**.

Dated: December 19, 2005

s/ Michael J. Davis
MICHAEL J. DAVIS
United States District Court